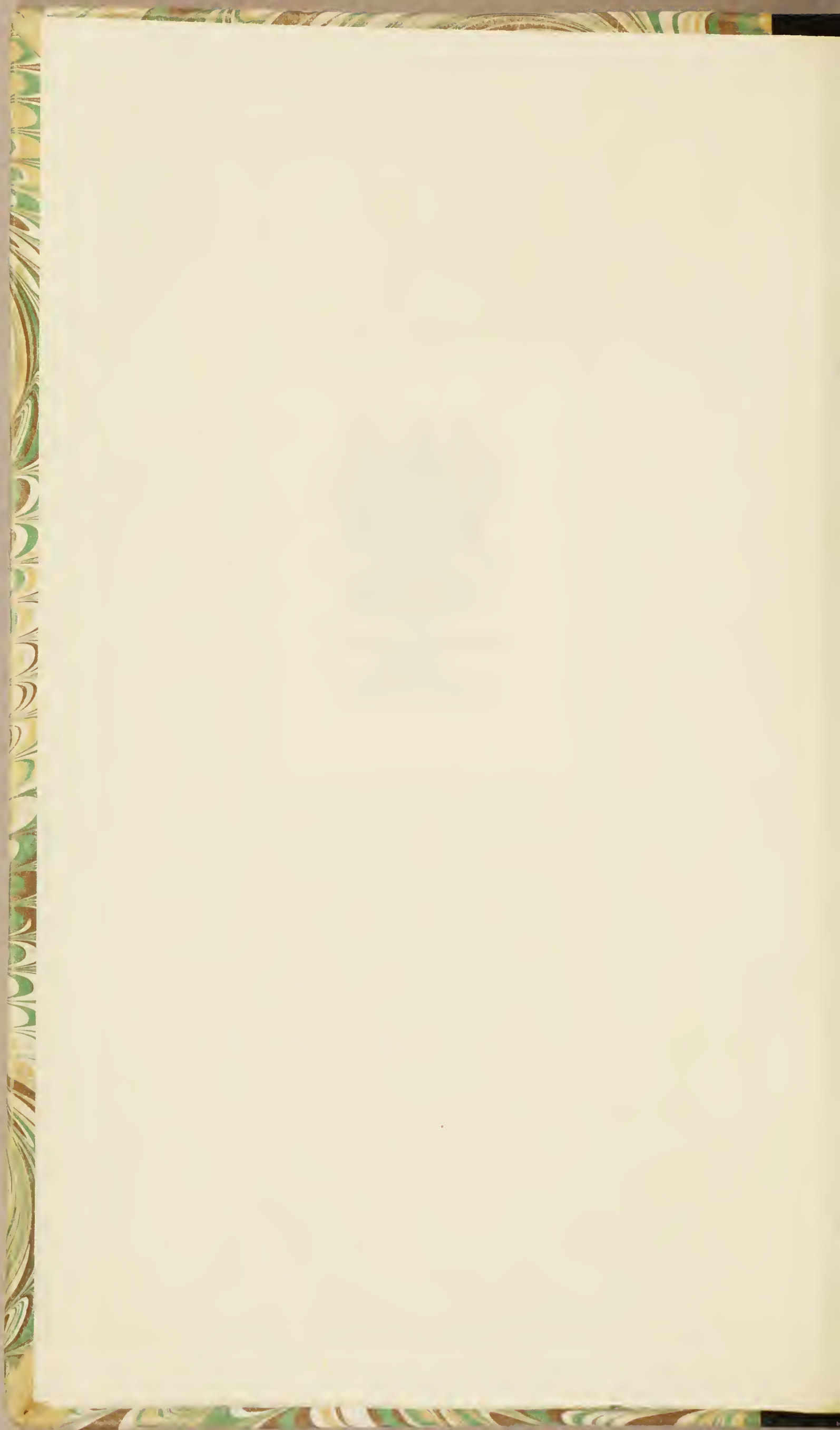






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C A N D I D
O B S E R V A T I O N S
O N

Two Pamphlets lately published,

V I Z.

*"An Address to the Committee of Correspondence
in Barbados."*-----By a NORTH-AMERICAN.

A N D

*"An Essay towards the Vindication of the Com-
mittee of Correspondence."*-----By a BARBADIAN.

By a NATIVE of BARBADOS.

Amicus Plato, Amicus Socrates, sed magis Amica Veritas.-----

B A R B A D O S :

Printed by GEORGE ESMAND and COMP.

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C A N D I D

OBSERVATIONS

O N

Two PAMPHLETS, &c.


 HEN Individuals, under a Notion that the Honour and Credit of their Country are at Stake in Defence of one Colony, reflect upon another, and Bodies of Men are prompted to entertain Prejudices against each other, between whom the firmest Friendship ought to subsist, it surely cannot give Offence that a Well-wisher to all his Fellow-Creatures in general, takes up Pen, on no other View than to extinguish, by every Means in his Power, the Spark of Animosity already injudiciously lighted up. The *Northern* Provinces, and this Island, are by Nature and Situation closely connected: It would be unjust to disown how necessary they are to our Support and Well-being, and they must in like Manner admit, that the Advantages they derive from us are of great Utility and Importance. It is the Interest of both, therefore, ever

to preserve a Harmony and good Understanding. At this Juncture, in a most particular Manner, ought the Body of the Colonies to unite and associate. A Sense of Danger, seen in its just Light, must effect this. The Points of Privilege, like a Link, should keep them from straggling, or taking different Routs. When the ancient free States of Greece had Reason to fear the Persian King, all for mutual Preservation acted in Concert; Policy of a like Nature will suggest the like Junction to the present Race of British Colonists. Our Object of Dread is not altogether so alarming as theirs was, but this ought not to make us the less watchful; Divisions between themselves, proved at last fatal to them, and may do us, in Process of Time, an Injury we may repent as long as the Remembrance of Facts shall last.

WHEN that ministerial Hydra, the Stamp Act, was let loose upon the Colonies, each acted according to the Importance whereby they rated themselves. Opposition was either given, or not given, as the lower Class of Inhabitants appeared to view themselves in Point of internal Strength, and the Hold they deemed themselves to have over the Mother Country from long and rooted Connections. The unthinking Part of the Society is ever apt to place too great a Dependence upon themselves: It has happened in this Manner ever since Governments have been founded. In North-America this Class of People pushed Things to very dangerous Extremities. Their Proceedings bordered on the worst of Crimes. The Vulgar are not to decide the

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Fate of Laws, nor is Authority in its legal Garb to be ever insulted with Impunity. Even a good Intention, when put in Force by a Multitude, without the Sanction of Law, will bring Ruin on the Heads of the Abettors. Of this the Case of the London Apprentices may be brought as an Illustration. Nothing, however, that owes its Existence to the Vulgar, and is not encouraged by the Magistrate, ought to be thrown out a Charge upon any Government, Place, or Jurisdiction, for if the Transactions of a Rabble were to be a Reflection upon, and convey Reproach to, the Seat of Government, then the Risings of Weavers or Coal-Miners might throw an almost annual Stain upon the Parliament and Legislature of Great-Britain. The Legislatures of the Northern Provinces, in no Instance, countenanced the Violences of the Mob. The better Sort of Inhabitants, such who had Power in their Hands, or were invested with Office, took no Steps for Relief but such as were constitutional. They sent home Petitions and Remonstrances; and some of them, when it became impossible to comply with the Stamp Act, rather than perish from a Stagnation of Business, revived, as far as lay in their Power, the usual Forms and Course of Proceedings. Thus were the Provinces in North-America circumstanced.

THE Island of Barbados had no Part to choose. The meanest Inhabitant knew that it was not with him, nor with any, to make an Election. But all lawful Ways of obtaining Relief under their Sufferings, were as much open to their Rulers, as to those upon the Continent. Every Body expected to

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find the two Houses, consisting of Natives, setting forward Addresses, and Representations of the same Nature with those that issued from North-America. Our Assembly, by their Minutes it appears, did propose such a Measure to the Council, who were of Opinion that a Committee of Correspondence, composed of Members from each of their own Branches of Legislature, might undertake, and carry the Task into Execution. This was done at last; and the Manner of doing it raised some uneasy Reflections in the Minds of our Brethren of North-America; one of whom, in a Letter addressed to the Committee, undertook to convey to them the common Sense and Opinion entertained of their Proceedings. This Gentleman has been answered. And as the Reply was wanting in that due Portion of Candour every Author who is a Lover of Truth ought upon all Occasions to shew, the Present is an Attempt to supply his Deficiencies in that Article. The Fame of superior Talents and Erudition the present Writer readily yields to the Answerer, but his Ingenuoufness will in a great Measure supply the Place of Abilities, and for the Sake of his Country, he wishes to give Proofs, that there are Men in it who are ready, at all Times, to hear the Voice of Truth, and obliged to any Stranger, who will take the Pains to introduce them to her Acquaintance.

THE Writer of the Essay, in his Defence of the Committee, was pleased to say that the Epithet "Rebellious," which was charged by the North-American to have been Part of the Committee's Letter to their Agent, was an Interpolation

tion of the Writer's; and this, he said, evidently appeared, because the Copies published by Authority, and taken from the Committee's Minutes, were without it. This Matter ought to be explained. When the Letter was prepared, and to be signed by the Members of the Committee, it was verbatim the Letter the North-American printed at the Head of his Address. But between signing and dispatching the Pacquet to the Agent, by some Means or other, Copies were taken and dispersed. The People of Barbados in general were displeased that any Thing should be used which might occasion a Misunderstanding between the Inhabitants of both Places; and I have been credibly informed, that the Matter was taken Notice of in the House of Assembly, and gave Rise to a Debate, which made it necessary that the Letter should go home to the Agent without the Word or Epithet "Rebellious." But before it could be expunged, or this Matter publicly known, these surreptitious Copies multiplied, and many, by the first Vessels, were transmitted to North-America. One of these, without Doubt, fell into the Hands of the Gentleman who wrote the Address. He found the offensive Term in it, and therefore, at every impartial Tribunal, stands acquitted of Forgery, Fiction, or Interpolation. The Essay Writer could not have been unacquainted with these Circumstances; the severe Charge brought by him I offer therefore, as the first and glaring Proof of Want of Candour towards his Brother Author. With Respect to the Point itself, it seemed to me of little Consequence, supposing a
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right Construction to be applied to the Committee's whole Letter, whether the Word so much the Subject of Discourse stood in it or not. The Committee had in View, when this Paragraph was penned, those Commotions to the Northward which struck at every Principle of Government, and violated every Rule and Order of Society; I mean the Plundering of Houses, and Durance of Officers. These, to the Misfortune of the Times, had happened in many, if not in most of the Provinces; and the Argument of our Committee was in Fact but this, ' It ' was humbly hoped those Violences committed ' by our Brethren on the Northern Continent, ' those mad Pranks of the licentious Vulgar, ' would not cause his Majesty, or his Parliament, ' to be averse to his other more dutiful and loyal ' Subjects.' The Committee could not mean a general Reflection on the People of North-America. " The Opposition given to Authority" (to which the Epithet Rebellious was at first added) alluded only to the unlawful Opposition raised by the Mob; and could have no other Meaning, as the better Sort gave no unlawful Opposition. These did no more than petition and remonstrate, and we shall hardly venture to call petitioning and remonstrating " a rebellious Opposition to Authority," because in that Case, the Instructions of the Committee to their Agent were, to petition and remonstrate as he thought proper, or in other Terms, by this Reasoning, he was authorised to declare us Traitors and Rebels. No Man in his Senses could arraign the Committee of such a Design, or lay such an Absurdity

furdity at their Door. Petitioning, unless in great Numbers, and on private Occasions, has never been deemed an Overt act of Rebellion, or even a Misdemeanor, since the Reign of the last Stuart. If therefore the Legislature and Magistrates of the Provinces in North-America took no Steps that were illegal in themselves, the Posture of Affairs considered, then it is certain the Word "Rebellious" was not levelled at them. If private Bodies of Men set their Faces against a public Act, and in Pursuance thereof *did* proceed to commit Riots and Disorders of a most flagrant Nature, and destructive Tendency, the Opposition *they* gave was undoubtedly "rebellious."

THIS Explanation of the just Sense to be affixed to the Words of the Letter, wrote by the Committee, is an easy and satisfactory Reply to the Pamphlet lately addressed to them. Let us put the Writer in the true Road when we find him out of his Way, but let us do this with the Temper that Men ought to have, who sometimes make Mistakes themselves. And as we have set Matters to Rights so far, good-naturedly, we will go on, and reconcile other Parts of the Committee's Conduct to him, especially as the Labour will be no less easy to us than the foregoing Part of their Justification.

He seems to be of Opinion that our Committee place an unlimited Confidence in the Agent, and write in a Stile to him unbecoming the Superiority of their Stations. Some Excuse must be admitted in Behalf of the Censure, as the Writer was entirely unacquainted with the high Character and Abilities of this Gentleman. He does not know that

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our Agent was, in this Island, a Man of considerable Rank and noted Talents---that he was found superior to any Employment he had held on this Spot---that in England he procured, by his able Management, the Justice to be done his Country, that without his extraordinary Efforts would probably have been too long delayed. These are the Reasons, and it is but honest to own them, why such an extensive discretionary Power was lodged by the Committee with their Agent. But where is the Wonder that this should appear blameable to a Gentleman, who was an entire Stranger to the Circumstances of the Case, and whose own Country suffered very much, it is said, from the Perfidy of some of her Agents? We ought to pity them, in as much as their Sufferings, with Reason, rendered them suspicious, and fully justify their abundant Caution and Distrust.

THE Writer of the Address charges the Committee with Inconsistency, since, after loud Complaints of the Justice and Hardships of the Stamp Act, they add “but they cannot positively say, “whether the Right of taxing themselves exclusively belongs to them.” I said, a little While ago, it was easy, in every Point, to defend the Expressions of our Committee to their Agent. In this Particular I am almost led to recant. This Doubt of theirs was, to say the least of it, unreasonable in a Composition wrote with the Intention theirs was. The warmest Friend and Advocate of these Gentlemen, must wish that this Sentence had undergone the Fate of the Epithet *Rebellious*. The Language preceding it is so
lively

lively and spirited, that it is scarce possible to suppose the whole Paragraph was penned at one Time, or by one Hand. What could be more animated than these Expressions---“ that the Act
 “ was oppressive in all its Parts---that by it they
 “ were loaded with a Charge unproportioned to
 “ their Circumstances---that they were deprived
 “ of a *Privilege* which rendered the Oppres-
 “ sion beyond Measure grievous---that they saw
 “ Trade, *Justice*, and, in short, the most valuable
 “ of their *civil Rights* and *Liberties* sinking?”
 What Admiration or Thanks could be too great to bestow on Gentlemen, who, in a Stile so expressive, delineated the Miseries of their Country! Had the Pen stopped here, all had been well. *Privilege*, *Justice*, *Right*, and *Liberty*, are the universal Favourites of Mankind. The Committee, in standing by and supporting them, became highly respectable. But afterwards to find the same Gentlemen, in the same Period, doubting, pausing, and hesitating; not knowing what is *Privilege*, what is *Justice*, a *Right*, or *Liberty*, was enough to raise the Wonder of a North-American. The only Supposition the Case admits in Favour of the Conduct, seems to be---that the Committee thought they acted a very politic Part---that in addressing Statesmen they would inculcate in their Agent the Shew of the profoundest Respect---since, however unjust their Administration was, the Measures of it should not be unreservedly censured. At the same Time that Redress of Grievances was asked for, with wonderful Deference to add---that it was submitted to the Ministers themselves whether the Things

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complained

complained of were in fact Grievances or no. Such Refinement of Civility may be serviceable to Individuals, and shew the Manners of a Courtier; but a Body of People render their Complaints ridiculous by it. The exclusive Right was what the Lawyers call the very Git of the Colony Argument: It ought most positively to have been asserted. If the Doctrine of exclusive Right was to be given up, on our Parts, the Tax in Question was a Tax common to all English Subjects, and therefore, in itself, no such Hardship. The Precedent set by the Committee in Relation to the Measure, had a dangerous Tendency: Supposing the other Colonies had addressed the Crown and Parliament in the same doubtful hesitating Strain---that they could not tell whether they had been injured or no---or, in a Word, that they would not undertake to say that they knew any Thing about the Matter---would this Opposition to the Act have brought about the Repeal? Most certainly not: May, at the very Juncture, when the Committee dispatched their Letter, it was generally imagined we should be relieved; but the Prospect of that Relief dawned upon us by Means of a very different Kind of Conduct to their own. A Conduct not different after a faulty Manner however, but such a Kind of firm, consistent Behaviour, as made it apparent to the World in what Sense our Brethren on the Northern Continent considered the Violation of natural and legal Rights, let the Authors of the Violation be whom they would. The Writer of the Essay charges the Committee with Exaggeration, when they describe the probable Consequences

sequences of the Stamp Act. No Body I believe will, or indeed can, second his Opinion; for the General Court of Assembly at Boston well observed, "The Act might be made Use of as a
 "Precedent for their Fellow Subjects in Britain,
 "for the future, to demand of them what Part
 "of their Estates they should think proper, and
 "the Whole if it pleased them." Such a Precedent authorised the Committee to draw a Picture of themselves, and Fellow-Subjects of the Colonies, in the distressful Attitudes they did. But after thus colouring, the whole Piece, as well as the main Figures, should have had a Conformity. The giving up the exclusive Right, was, as it were, spongeing over the finest Strokes of their Pencil.

THE Writer of the Address has injuriously attacked the Committee, for making Mention to their Agent of the Colony Charters. His Zeal for natural Rights, in this Instance, was carried to an intemperate Excess. He puts me in Mind of the Enthusiasm of those who would explode Religion because the Charms of moral Rectitude are alone sufficient to make us, they pretend, good and virtuous. Men, by becoming Zealots, do Hurt to any Cause. Our Committee, with the greatest Propriety, touched upon the Charter, which was a Contract between the Crown and ourselves, for the Enjoyment of those Liberties, upon certain Considerations on our Part, that were then, or ever had been, possessed by the liege People of England. The Parliament must have owned the Force of this Reasoning, as on it many of their own Privileges at
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this Day absolutely hinge. It is well known that both James Ist and Charles IId sold many prerogative Rights, and if such Stipulations were not binding on their Successors, the Crown may at any Time resume these Prerogatives, and throw Things into a State of Confusion. If the Contracts were, and remain valid, the Power to make such Contracts between Sovereign and People is admitted, and the Inhabitants of Barbados claim under a like Title and parallel Circumstances. The Discernment of our Committee led them to view the Importance of this Argument; and their Conduct, in this Particular, intitles them to the Thanks of this Society, and the Approbation of all good Judges; amongst whom Zealots and Enthusiasts, for weighty Reasons, are very little regarded.

OBJECTIONS to Stile have been made to the Address, rather for the Shew of Criticism than with a View to set Things in a clear Light. The ingenious Translator of Longinus observes, " That the Business of a Critic is not *only* to find
 " Fault, and be all Gall and Bitterness. Yet
 " such Behaviour, in those who have usurped the
 " Name, has brought the Office into Scandal and
 " Contempt. He [Longinus himself] bore an
 " Aversion to the Sneers and Cavils of those,
 " who, unequal to the weighty Province of Criticism, abuse it, and become its Nuisance. He
 " frequently takes Pains to shew [an Example
 " worthy of Imitation] how misplaced their Animadversions are, and to defend the injured
 " from Aspersions." This is a Piece of Justice particularly owing to Strangers, and those who
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take the Pains to expostulate with us on a Presumption that we will grant, what they have a Right to demand, a patient Hearing. But to give some Specimens of false Criticism, or cavilling for cavilling Sake. The North-American, in a loyal Manner, professed himself the *Friend* of his King and Country. This Language displeases the Writer of the Essay---A *Friend* to his King! it cannot be---Friend supposes Friendship---Friendship supposes Equality---The King has no Equal---ergo, the North-American cannot be the King's Friend. Was this, I will ask any Person but the Author himself, penned in the true Spirit of Criticism? Is it not rather that Sort of Criticism which brings the Name and Office into Scandal and Contempt? The best biographical Writers, in their Panegyrics on their Heroes and great Characters, have said of them, that they were the Friends of Liberty. Was this Expression ever carped at, or cried down? And yet, has Liberty, I would ask, any Equal? The same Gentleman has also, in the same Spirit, cavilled at the Allusion to the Cappadocians, and applied it to Purposes the Writer of the Address could never have intended when he wrote the Pamphlet. If, says the latter, the People of Barbados should make a voluntary Choice of Slavery, they would be as absurd in that Election as the Cappadocians were of Yore, and the second People in the World, over whom the Love of Servitude was predominant: A Sentiment supported by an obiter Example, the Writer of the Essay converts into a Reflection on the wise System of the British Government. The Observations respecting Monarchy

Monarchy are exceedingly just, but what caused them in the Composition of the North-American, I profess myself unacquainted with. The Colonies are so far from disliking a monarchical Form of Government, that it is the very Thing they contend for---'tis to that alone, as far as it has a Relation to, and coincides with their particular Establishments, that they professed Homage and Submission.

THE Writer of the Essay has insinuated, that Love of Lucre, instigated the Writer of the Address to publish, in this Island, a Pamphlet that would not sell in his own Country. Such Charges are unbecoming the Sons of Freedom and Liberty, to whom a Right of canvassing all Subjects is a constitutional Privilege; the Loss of which would be succeeded by a political Slavery of the worst Kind. But setting aside the Public as an unconcerned Party (though it is not) on these Occasions, this Language is the highest Offence to good Manners. In Point of Quantity, the Writer of the Address has the Advantage by a great deal; and yet his Composition bears no higher Price than what the Respondent demands for his. This is no Proof that the *former* judged presumptuously of the Value of his Work. In Point of Quality, let every Man determine for himself between these Authors and their Performances.--- For my own Part, after perusing the foreign Pamphlet, I thought the Author a Man of Abilities, a Man of Breeding; and, with Respect to his Country, a Patriot. It did not appear to me that he was biassed to the Undertaking by any sordid Views of Interest, but impelled by Con-
siderations

siderations of a public and of an upright Nature. He had, it was true, mistaken the Committee's Meaning in their Letter, but he found his Countrymen in general understood it in the Sense he did, as a Reflection upon them all. He endeavoured, therefore, to wipe off what he took to be a Stain upon a most considerable and respectable Body of People, with whom he stood connected by all public and private Ties. If no good Action is to be done when the Doer of it is likely to derive some Advantage from the Event, Virtue itself must be at a Stand: To blend Good with Evil, or confound opposite Designs, may be an Instance of Craft suitable enough to the Character of a Party-writer; but on Account of its dangerous Tendency, should draw down the general Detestation of Mankind. With Respect to the Spot of Publication and Sale, what more proper than that this should be where the Gentlemen to whom the Performance was addressed resided, and from whence a Reply might be naturally looked for!

THE Author of the Essay says there is a Difference between Liberty and Licentiousness. This is certainly true, as well in Points of Government, as in those of Composition. Every Man who writes against another, has a Right to oppose, in a decent Manner, any Sentiments, likely, in his Opinion, to mislead the Judgments or Practice of Mankind. This is Liberty. Licentiousness is to rail at another, and to slur and find Fault without Occasion. The best Definition of political Liberty, was given in a periodical Paper, by one of the greatest Characters of his Age.

Age ; I mean Mr. Addison, in Number 287 of the Spectator. ‘ That Form of Government appears to me (says this excellent Writer) to be ‘ the most reasonable, which is most conformable to the Equality that we find in human Nature, provided it be consistent with public Peace and Tranquillity. This is what may properly ‘ be called Liberty, *which exempts one Man from ‘ Subjection to another, so far as the Order and Oeconomy of Government will permit. Liberty should ‘ reach every Individual of a People, as they all share ‘ one common Nature ;* If it spreads only among ‘ particular Branches [those who have their Representatives for Instance] there had better be ‘ none at all, since such a Liberty only aggravates ‘ the Misfortune of those [the Colonists] who are ‘ deprived of it by setting before them a disagreeable Subject of Comparison.”

‘ THIS Liberty (he proceeds) is best preserved, where the Legislative Power is lodged ‘ in several Persons, especially if those Persons ‘ are of different Ranks and Interests ; for where ‘ they are of the same Rank [as with Respect to ‘ the Colonies, all the Inhabitants of Great-Britain are] and consequently have an Interest to ‘ manage peculiar to that Rank, it differs but ‘ little from a despotical Government in a single ‘ Person. But the greatest Security a People can ‘ have for their Liberty, is when the Legislative ‘ Power is in the Hands of Persons so happily ‘ distinguished, that by providing for the particular Interest of their several Ranks, they are ‘ providing for the whole Body of the People ; or, ‘ in other Words, WHEN THERE IS NO PART OF
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‘ THE PEOPLE THAT HAS NOT A COMMON INTEREST WITH AT LEAST ONE PART OF THE LEGISLATORS.’ Happily has Mr. Addison expressed himself; and more happy for the People of England is it, that his Description or Definition of Liberty is borrowed from their Constitution. But the Colonies, if taxable in Parliament, cannot be said to enjoy this Liberty, the Blessing of the English Constitution, because there does not subsist that common Interest, Mr. Addison speaks of, between our Inhabitants and any one Part of the English Legislators.

THE Writer of the Essay has thought proper to maintain a Right, however, in the English Parliament, to impose Taxes on the Colonies. I incline to think, with a View to this Doctrine, more than from any Intention of justifying the Committee, he entered the Lists against the North-American. The stale worn-out Arguments have been used by him. The People in England, says he, are not fully represented, and yet all are taxed. That Wonder and Blessing of his Species, the ‘*præsidium et dulce decus meum*’ of every Colonist, Mr. Pitt, in the Parliament House, gave this Observation its proper Answer. The Want of a full Representation (even where every Man *may* become a Member) is a Defect in the Constitution of England, and requires a Remedy. An Argument founded, therefore, on the Blemishes of a Constitution, will not bear sitting. Besides, the People of England must all necessarily share alike: The same Laws must bind all, or the greatest Confusion must follow. But does the like Necessity, and *that close Connection*, subsist between

between the Parliament and the Colonies? We cannot suppose a Part of England to be happy, and another, in Points of Legislation, otherwise; some Subjects to be free, and others to be Slaves. Under one Form of Government, and civil Administration, the general Interest alone must direct. It was possible, however, that the Mother Country might not have known the Colonies, or the Colonies the Mother Country; in which Case they had certainly been independent Governments. It has been the grand Error of the present Times to consider separate Governments as one. There is no natural Impediment to my Imagination's suggesting to me a Form of Government in the People abroad, as little connected with that of the English, as the Counties or Soils themselves, which both People inhabit. Their Shocks and Defects in political Matters may no more effect us, than the Shock of an Earthquake, or that of a Famine felt by them. Our Governments, it is true, are founded on similar Principles; but this is no Reason that in all Points, whether similar or not, the Stronger must give Law. If I should chuse to build a House upon the Plan of one that suits my Taste, or agreed with my Judgment, has the Owner of the larger, when mine is put up, a Right to claim it, because my House is like his, and his the larger of the two? It would be dangerous to imitate any Thing whatsoever, if Imitation destroyed the Right of Property. There is a necessary Subordination to be preserved amongst different Governments, I grant, when the executive Power in all is lodged in one Hand. But this Subordination is only

ly for the Ease of the presiding Magistrate, and is supported by Deputations and Appointments to all Places of Power, Trust, and Profit, by the general Superintendance of Laws, and by the Cognizance of Appeals. Beyond this the Line ought not to be stretched. The first Safety of Princes and *States* lies (it hath been remarked) *
 “ in avoiding all Councils or Designs of Inno-
 “ vation in ancient and established Forms and
 “ Laws, especially those concerning *Liberty, Pro-*
 “ *perty*, and Religion, which are the Possessions
 “ Men will ever have most at Heart.” When the Stamp Act was laid upon the Colonies, a Privilege that had been long enjoyed, and, in the Subject’s Opinion, the most important of any, was openly violated; and the Violation, to increase the Terror, was committed by those whose Authority, in such a Case, it was equally dangerous to admit or deny. That the exclusive Privilege of being taxed by our own People is just in itself, has been proved by Montesquieu: The Inhabitants of a particular Town [or Colony] are much better acquainted (says he) “ with its
 “ Wants and Interests, than with those of other
 “ Places, and are better Judges of the Ability of
 “ their Neighbours, than of that of other Peo-
 “ ple. The Members, therefore, of the Legisla-
 “ ture, should not be chosen from the general
 “ Body of the Nation, but it is proper, in every
 “ considerable Place, Representatives should be
 “ elected by the Inhabitants.” In other Words, no Tax is justly laid on any People, it would ap-

* British Liberties.

pear, when the People taxed have not contributed to the Law, and agreed by their Representatives to receive it. The English Constitution deems this a fundamental Principle, and extends it beyond the legislative Line, into the civil Administration of Justice. Juries to determine on a Point of Life and Property, must come in a Manner qualified for the Office, by having lived in the Neighbourhood of the Party. In the Cases of Taxations and Verdicts, a Man's Neighbours alone, such as intimately know him, and who may ground their Voice and Judgment on their own private Knowledge if they please, are the Persons who have the exclusive Right to determine all his Questions. Virtual Representation is a Notion no less absurd than virtual Neighbourhood would be, if set up in a Court of Law; and both together as unlike their Originals, as Sancho's Meals, when Governor, were unlike the Meals he used to make before he was promoted to his Mock Dignity; or the Feast in Shakespear's Tempest was like a real Entertainment. To argue Men out of their civil Rights by far-fetched Notions, was attempted not a great While ago by Sir Robert Filmer; and his Idea of the Origin and Right of Power was abundantly more ingenuous and solid than the Phantasie of virtual Representation. This Gentleman's Performance was greedily received, and had then a Croud of Admirers. One Man dispersed them all. Mr. Locke stood forth in Vindication of the natural Rights of Mankind, and Posterity ought never to forget the Pains and Services of this great Philosopher. How many
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Films were produced by the Stamp Act? Like the Sun on the Waters of the Nile, it bred and gave Life to an amazing Number of reptile Politicians. Mr. Pitt in our Days, as Mr. Locke in the Days of our Fathers, has undauntedly proved himself the Champion of our Liberties; and to him we stand indebted, if not for the Repeal of the Act, at least for his strenuous and weighty Endeavours towards that just and upright Measure.

SINCE the Accession of the Brunswick Line to the Dominions of England, the English Parliament never interfered with the Hanoverian Dominions, nor called upon the Inhabitants for Assistance; although some of our most burdensome and expensive Wars had their Rise from Germanic Connections. The foreign Subjects continued to be governed by their own Laws, under the general Superintendence and Controul of the supreme Magistrate in England, and his lawful Deputies and Officers abroad. With Respect to the Parliament, and the Power of imposing Taxes (the only Instance intended by the Contrast) I have ever thought all the Dominions of the Prince to be on one and the same Footing. I think so still; and I am authorised to remain in that Opinion from a very recent Occurrence. When the ceded Islands were to be settled, the Terms of Settlement were promulged by Virtue of a Proclamation or Commission from the Crown, and no Mention was made of the Consent of Parliament. Indeed, since a certain memorable Period, it has not been usual, in Matters of State and Prerogative,

tive, for the Stile of Parliament to be set forth. In this Period of our History, this Title was set up in Contradistinction of the Regal, and the Members of that Parliament sat upon, and condemned, the Person of the Prince. I mean by this no Reflection on subsequent Assemblies of the same Name; it shews, however, how dangerous it is to permit any Body of Men, formidable in Name and Office, to increase their legal Consequence, and to have the Power of Innovation in their Hands. The Crown has not always been able to say "hither shall ye go---and no farther."

As so much has been suggested concerning the Rights of Parliament over the Colonies, I hope it will not be thought presumptuous to go a little into the Argument, and discuss some of those Rights, and the Foundations whereon they stand. I am not deterred by Mr. Hume, who says, 'The general Question, with Regard to Privileges of Parliament, has always been, and still continues, one of the greatest Mysteries of the English Constitution, and in some Respects, notwithstanding the accurate Genius of that Government, these Privileges are at present as undetermined as were formerly the Prerogatives of the Crown.' These Prerogatives, notwithstanding the Respect due to Monarchy, were canvassed, and the Rights avowed by Parliament, cannot set up a Claim to greater Indulgence.* These Prerogatives were fixed

* DEBATES in PARLIAMENT, Anno 1703-4.
Mr. Lockes. I speak it with the greatest Reverence, that the regal Power (which is the most supreme in England) is obliged to the Obedience of the Laws; and it would be absurd at the same

fixed and settled. So in like Manner ought all other Claims of Privilege to be. Power of every Sort has its Boundary, which should be properly traced and marked out. The Extent of Authority must be known, before the Degree of Obedience due to it can be ascertained. When the Crown carried Points of Prerogative too far, the English Nation were taught to resist; and the Principles of Resistance, under certain Circumstances, are now admitted as an inherent and indefeasible Right in the Subject. It is not against a Name that we are led to contend. Tyranny is the same, let it assume what Garb or Mask it will. Wherever it is to be found, or the Exercise of it is attempted, all Opposition becomes lawful. No Orders of Men, by associating together, and patronizing what is illegal, can alter its Nature, or take from others a Right to the Means of stemming their Attempts. Rome and Athens had many Tyrants at one Time acting in Conjunction with one another; they were not in any Respect less Tyrants on Account of the Association, nor less the Objects of Resistance. What one Man cannot lawfully do, cannot lawfully be done by a combined Body of Individuals: What one Sett of Men are unable, in Point of Right to effect, ought not to be effected by a Coalition of Orders. It is fairer and more equitable to consider the Situation and Privilege of the Weaker

D than

same Time to say, that any Part of the parliamentary Constitution is *not limited* by the known Laws of the Land, or the Laws and Customs of Parliament. There was no known Law of the Land, or Law or Custom of Parliament, to lay the Colonies at the Feet of Parliament, previous to the late Disputes.

than the Stronger Party, if we attend to Questions of Right, and are not consulting on Points of Enterprize.

Mr. Hume, proceeding on his Observations concerning the Parliament, says, "By a great many, Monarchy, simple and unmixed, was conceived to be the Government of England, and those popular Assemblies [a Name bestowed on the Houses of Peers and Commons] were supposed to form only the Ornament of the Fabrick, without being, in any Degree, essential to its Existence." Mr. Hume cautiously says, this was the Opinion of a great many, and instances Sir Walter Raleigh. With Respect to the Subjects of England, they owe too much to the Parliament, in my Opinion, to approve of such a Sentiment. But the Authority of Parliament over the Colonies, is to be examined on very different Principles, owing to the different Circumstances and Situations of the respective Parties. All Power is derived by Compact, and must have a legal and open Commencement. By legal, I would be understood to mean such a Commencement as carried with it not only Marks of Notoriety, but of the Consent of all Parties; for Consent is not a bare Circumstance to the Rise and vesting of Authority, but it constitutes the very Essence of Power and Jurisdiction. How stood the Parliament, and what were deemed to be the Privileges belonging to it, when the Colonies were for the most Part settled? This Island, and several others, were discovered in the Reign of James the First. In the Reign of James's Predecessor, the great. the sagacious Elisabeth,

Elisabeth, the Parliament had, confessedly, very few Privileges. She used to commit the Members, when they presumed to discourse (as she termed it) on Affairs of State. This, too, was done, when a very great Lawyer was Speaker of the Lower House. James gave up no Points of Prerogative that we have been informed of. The Privileges that the Parliament possess over the Colonies, ought to have been known and established Privileges at the Time of their Settlement, or granted afterwards by themselves. Any Changes since that Time, if they respect the People of England only, the Colonies, as such, have nothing to do with. The Power of Parliament, restrictive of Prerogative, is well settled by a Statute made in the Reign of Edward 1st, commonly called *Statutum de tallagio non concedendo*--- Whereby it is enacted, ‘ that no Tallage or Aid
 ‘ shall be laid or levied by the King, or his Heirs,
 ‘ *in this Realm*, without the good Will and Assent of the Arch-Bishops, Bishops, Earls, Barons, Knights, Burgeses, *and other the Freemen of the Commonalty* of this Realm.’ Two Things are observable in this Palladium of Parliamentary Jurisdiction. First, The Power by the Statute of imposing Taxes is restrained, by express Words “ within the Realm.” Secondly, No Tax is to be imposed without the Consent, not only of the Parliament, but also of the other *Freemen of the Commonalty of the Realm*; which is a clear Proof that the Power of taxing is confined only over such as the Members actually represent, and by whom they are immediately deputed to act.

If the Members of the House of Commons are the Representatives of the Colonies, the Colonies, on their Part, must be their Electors and Constituents; for wherever there is a Representative, there must of Necessity be an Elector, and the Right of this last must be prior in its Existence to the other, who only acts by Virtue of his Appointment. But we shall be told, that as there is a virtual Representation, there is also a virtual Election once in seven Years on the Part of the Colonies. No human Authority can impose Fetters upon our Reason, the Gift of an unerring Being. If that informs us of the Absurdity of such Arguments, a free Agent has surely a Right to give his public Testimony against them. The Statute of Edward the First, as said before, was the Palladium of Parliamentary Jurisdiction, and remained the principal Anchor of its Privileges down to the Petition of Rights. Does the Petition of Rights say any Thing concerning the Colonies, or put them under the Power, Authority, and Jurisdiction of Parliament? Nothing like it.

In Calvin's Case, which was solemnly argued and determined by all the Judges of England, together with the Lord Chancellor, the Power of Parliament was denied to be binding on foreign Subjects of the Crown of England. It was objected, ' that if *Post-nati* (Subjects born in a Place after it became a Demesne of the Crown of England) should be inheritable to our Laws and Inheritances, it were Reason that they should be bound by our Laws; but *Post-nati are not bound by our Statute or common Laws;* for

' for they having (as it was objected) never-fo-
 ' much Freehold or Inheritance, cannot be re-
 ' turned of Juries, nor subject to Scot or Lot,
 ' nor chargeable to Subsidies or Quinzimes, NOR
 ' BOUND BY ANY ACT OF PARLIAMENT MADE
 ' IN ENGLAND.' To this it was answered, and
 resolved, ' That if a Post-nati do purchase any
 ' Lands in England, he shall be subject, IN RES-
 ' PECT THEREOF, not only to the Laws of this
 ' Realm, but also to all Services and Contribu-
 ' tions, and to the Payment of Subsidies, Taxes,
 ' and public Charges, as any Denisen or English-
 ' man shall be." From hence is evidently in-
 ferred, that no Man is subject to the Power and
 Jurisdiction of Parliament, but in Respect to his
 Possessions in England. This Case was argued
 in the Court of the King's Bench, at the Bar, by the
 Council learned of either Party; the Judges of
 that Court, upon Conference and Consideration
 of the Weight and Importance thereof, adjourn-
 ed the same into the Exchequer Chamber, to be
 argued openly there; first by the Council learn-
 ed of either Party, and then by all the Judges of
 England; where, afterwards, the Case was ar-
 gued by Bacon, Solicitor-General, on the Part of
 the Plaintiff, and by Lawrence Hide for the De-
 fendant; and afterwards by Hobart, Attorney-
 General, for the Plaintiff, and by Serjeant Hut-
 ton for the Defendant; and in Easter Term the
 Case was argued by Heron, puisne Baron of the
 Exchequer, and Forster, puisne Judge of the
 Court of Common Pleas; and on the second Day
 appointed for this Case, by Crook, puisne Judge
 of the King's Bench, and Alkham, Baron of the
 Exchequer;

Exchequer; the third Day by Snigge, Baron of the Exchequer, and Williams, one of the Judges of the King's Bench; the fourth Day by Daniel, one of the Judges of the Court of Common Pleas, and by Yelverton, one of the Judges of the King's Bench. And in Trinity Term following, by Warburton, one of the Judges of the Common Pleas, and Fenner, one of the Judges of the King's Bench; and after by Walmesly, one of the Judges of the Common Pleas, and Tanfield, Chief Baron; and at two several Days in the same Term, Coke, Chief Justice of the Common Pleas, Fleming, Chief Justice of the King's Bench, and Sir Thomas Egerton, Lord Ellesmere, Lord Chancellor of England, argued the Case.----To these ancient and famous Sages of the Law (whose every Assertion connected with, or Part of the Case, carries the greatest Weight) accords in Opinion, as we have been informed, in the Point of Parliamentary Jurisdiction, that just, upright, and great Man, Lawyer, and Patriot of the present Age, *Lord Camden*.

MR. Hume has made an Observation worthy the Ornament of Golden Letters, *That a Law to have any Authority, must be derived from a Legislature WHICH HAS RIGHT.* It is not enough that it is in itself a Law, and that it was declared and made so by a Legislature; but that Legislature, to give it Authority, must have a Right over the Persons whomsoever it may affect. Otherwise it is a Law supported on no other Base than Power; a Base upon which the Cæsars, one and all, founded their Edicts, after the Abolition of the Common-Wealth of Rome. “ When
“ Ship

“ Ship-Money, in the Reign of Charles (says Mr.
 “ Hume) was levied upon the People with Jus-
 “ tice and Equality, and the Money entirely ex-
 “ pended upon the Navy, to the great Honour
 “ and Advantage of the Kingdom, yet all these
 “ Circumstances could not reconcile the People
 “ to the Imposition. It was entirely arbitrary.
 “ *By the same Right any other Tax might be impos-*
 “ *ed,* and Men esteemed a powerful Fleet, though
 “ very desirable both for the Credit and *Security*
 “ of the Kingdom, but an unequal Recompence
 “ for their Liberties, which were thus sacrificed
 “ to the obtaining of it.” If Protection cannot,
 nothing can make Amends to a People for the
 Loss of their Liberties: That complained of in
 the Case of the Ship Money, in the Opinion of
 the Judges of that Time, was not of a Nature
 to be pleaded against the Demands set up by the
 Crown, under the then Circumstances of the Na-
 tion. The Money was faithfully applied in the
 Defence and Protection of the Kingdom; yet all
 this availed nothing: No Englishman’s Property
 could be taken from him, was the popular Cry,
 but by the Consent of his *proper Representative*.
 The unfortunate King, by the Event of this Dis-
 pute, verified the Observation, * “ That the first
 “ Safety of Princes and States lies in avoiding all
 “ Councils or Designs of Innovation in ancient
 “ and established Forms and Laws, especially
 “ those concerning Liberty, Property, and Re-
 “ ligion, which are the Possessions Men will ever
 “ have most at Heart.”

* British Liberties.

It has been said, with little Justness I take for granted, that the Power of Parliament has been found so extensive at Home, as to ~~day~~ lay the Crown under a Necessity of deviating from the Laws and Constitution, in order to preserve its own Importance and Dignity. It is certain, however, Means have been found to acquire an Influence incompatible with public Trusts, and this Influence, which others call by a harsher Name, is as well known, and as much practised, as if (according to the Tenet of a certain Statesman in a late Reign) every Man's Price was publicly registered. Every Expence of that Sort is ultimately borne by the Nation; and the whole of it has been laid by many People, in the Stile of Mr. Hume, at the Door of Parliament. What a Change of Affairs has taken Place since the Days of Elisabeth? And yet what legal Powers can now be claimed, that did not exist in her Time under the Statute of Edward 1st, and the respective great Charters? The Parliament, though a great and wise Body, is not exempt from human Errors and Infirmities. The greater Power it has, the worse Consequences attend the Wrongs and Injuries it commits. It would tend to the Happiness of all English Subjects, if its Privileges were as well known and ascertained as the Prerogatives of the Crown. If Prophecies from great Statesmen are to be at all minded, it was Apothegm of the famous Lord Burleigh, *that England can never be undone but by a Parliament.* At first reading it appears strange and paradoxical, that the Bulwark of Liberty should be its Destruction: Burleigh must mean, that the Parliament,

liament, by swelling its List of Privileges, would get all Manner of Power in their Hands, and be ultimately, in his Opinion, swayed and directed by the Crown. Should this ever happen, Montesquieu says, that 'the English, upon losing their Liberty, will become the most enslaved People upon Earth;' that is, the Chains of Slavery would be riveted for ever; the old Forms of the Constitution might be preserved, and the common People, under these Circumstances, not see or know the Danger of their Situation. Whereas, if Violence had been openly practised, another Revolution would be the Fruit of such precipitate Measures. William 3d laid a Foundation for absolute Power, by Means of a Policy unknown to his Predecessors. His Scheme was to separate public from private Interests, and inexhaustible Mines were opened by him for that Purpose. If the People of England intend to stave off the evil Hour of Slavery, they cannot take more effectual Means than by shewing a rooted Aversion to all new Claims of Power, let these spring from what Quarter soever. The Term Privilege, ought to have some certain and well-known Import. It is not to extend from Alpha to Omega, from the First and Greatest, to the smallest and last of Things. "An Authority intirely absolute and uncontrollable, is a mere Chimera, and is no where to be found" (says Mr. Hume) in any human Institutions. "All Government is founded on Opinion, and a Sense of Duty, and wherever the supreme Power by a Law, or positive Prescription, shocks an Opinion regarded as fundamental, the

E

" Principle

*“ Principle is subverted by which Power is establisht-
 “ ed, and Obedience can be no longer hoped for.”*

The Petitions preferred to Parliament, before the Stamp Act took Place, were denied a Reading, and the Parties were not heard upon them: Such a Proceeding, ushered in with a sudden Vote and Resolution, * was enough to set the Plantations in Agonies. It is but a small Favour to be heard on a Subject that is interesting in the highest Degree; and no private Rule or Order can overturn established Principles of Justice. Speculative Writers carry their Notions very far when Incidents of this Kind arise. The Debates in Parliament † contain the following Doctrine (speaking of Grievances) ‘ If the Case admits of En-
 ‘ treaties, they are to be used; but if there be no
 ‘ Room for these, or if they take no Place, but
 ‘ illegal Force be used, that Force may, nay must
 ‘ be resisted, or Evil is consented to. For he
 ‘ that will not serve the Public by that Means,
 ‘ when there is no other, does actually consent to
 ‘ the Ruin of it. The Rules of Prudence are
 ‘ indeed to be observed; for if there be no Pro-
 ‘ bability that Resistance will prevent the Evil,
 ‘ the

* It was resolved by the Lords Spiritual and Temporal in Parliament assembled, that neither House of Parliament hath any Power, by any Vote or Declaration, to create to themselves any new Privilege, that is not warranted by the *known* Laws and Customs of Parliament. Parliamentary Debates, Anno 1704.

According to our Constitution, the Subject may contest his Right with the Crown, *and upon equal Terms*, with that Respect which is due. *ibid.*

The taking away the Liberty of one mean Person, once endangered the Government of Rome. *ibid.*

† Vol. ii. Page 305, &c. Lord Chancellor Sommers the supposed Author.

' the Attempt is Folly ; and if Resistance will
 ' do more Harm than Good, it is unserviceable ;
 ' and if there be any other Means effectual, it is un-
 ' reasonable ; for it ought to be the last Refuge ;
 ' and then, if the Cause be good, Necessity justi-
 ' fies the Proceeding to the End, not by illegal
 ' Means, but by suspending the political Form,
 ' and appealing to the Reason of Mankind, and
 ' introducing the Law of Nature. Rebellion is re-
 ' sisting the *just* Power of Government, and, if
 ' so, then it is no Rebellion to resist the *unjust* and
 ' *usurped* Power. The resisting such Force as
 ' has neither moral or political Power, is no more
 ' Rebellion than to fight against a wild Beast,
 ' that came with Strength, but no Authority, to
 ' devour. *The Right of Self-defence is a precedent*
 ' *Right to all Policy ; and every Man has so much of*
 ' *it still, as is not actually given up unto the politi-*
 ' *cal Power he lives under.* The regal Power is
 ' irresistible in all Persons, from the King to the
 ' petty Constable ; but it does not hinder, but
 ' that all these Persons may be resisted, when
 ' they do what they have no political Power to
 ' do. *There can be no implied Compact in Govern-*
 ' *ment to debar any Man of the natural Right of*
 ' *Self-defence by private Arms against inauthorita-*
 ' *tive Force.*'

THESE are Revolution Principles, and some
 of the People in North-America might foolishly
 suppose that when a Privilege of the prime Im-
 portance, as they thought it, was wrested from
 them, and their Petitions for a while lay neglect-
 ed, that the Plea of Necessity began to operate,
 and would justify any Proceedings. I have al-

teady condemned, however, and in the Manner that I flattered myself it deserved, the Rashness of the Mob, and all unlawful Opposition to legal Authority. And heartily, and from my Soul, do I wish such Disorders might never be revived; nor the Respect owing to the Mother-Country, in any Shape for the future, be lessened. The Repeal of the Act affords a striking Testimony of the Candour and Generosity of our Sovereign and the Parliament; and may the unfortunate Dispute, so alarming in its Aspect, be never again mentioned! Power is given to cherish, and not to crush. The English Nation hath been long celebrated for Moderation, the Love of Justice, and the Love of Liberty. The Sons of the Parent have a Right to imitate her Virtues; and like Sons, when found deviating in some Degree from their Duty, indulgently let them be brought back by Accents of Mildness, Persuasion, and Forgiveness. This has indeed been lately done, and the Mother Country, for it, stands recorded in the Annals of History, and in the Hearts of all the Inhabitants of the Plantations.

THE Pursuit of my Argument, on the Head of Jurisdiction, has for a While made me seem to lose Sight of my Authors. I respect the Abilities of both Gentlemen, and hope neither will be offended with the Liberties I have taken. I have this to plead, they were caused by no ill Intention, but contrary-wise a good one. Whether in what has been advanced I am in any Degree supportable, with all imaginable Deference I leave to the Decision of the Public; hoping its

Excuse

Excuse when I say, that I consulted the Good of the Community at large, in narrating the Particulars of the Committee's Letter to their Agent. It will, I apprehend, disarm the North-Americans of the Anger they had conceived against us. Finding us upon an Eclaircissement, doing them all imaginable Justice may speedily efface the Feelings of their Resentment, and re-unite both People more firmly than ever. Then, with Respect to the Writer of the Essay, possibly it may turn out, that I have done him some little Service. The Writer of the Address may be satisfied that the Call of his Country, through him, has been answered in a candid and conciliatory Manner, and what has been said in his Justification also, as an Author, may induce him to wave and put an End to the Controversy. In this Case I have cut off the Occasions of Severity which he might, and probably would, freely have used against an Antagonist, who, it must be owned, unguardedly has exposed himself to the keenest Resentment of an able and provoked Writer.

P. S. *The Public is informed that the preceding Sheets were wrote and advertised previous to the Publication of the Letter to the North-American, &c. and without the least previous Knowledge of the Sentiments of that ingenious and elegant Author.*

F I N I S.

to the 1st of January 1880
and the 31st of December 1880
the 1st of January 1881
the 1st of January 1882
the 1st of January 1883
the 1st of January 1884
the 1st of January 1885
the 1st of January 1886
the 1st of January 1887
the 1st of January 1888
the 1st of January 1889
the 1st of January 1890
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the 1st of January 1892
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